

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW KEIL, JOHN DE LUCA, SASHA : Case No. 1:21-cv-08773  
DELGADO, DENNIS STRK and SARAH BUZAGLO, :  
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 :  
 : Plaintiffs, : DECLARATION OF JONATHAN  
 : ROBERT NELSON, ESQ. IN  
 : - against - : SUPPORT OF PLAINTIFF'S  
 : MOTION FOR PRELIMINARY  
 : INJUNCTION  
 :  
 THE CITY OF NEW YORK; BOARD OF :  
 EDUCATION OF THE CITY SCHOOL DISTRICT OF :  
 NEW YORK; DAVID CHOKSHI, IN HIS OFFICIAL :  
 CAPACITY OF HEALTH COMMISSIONER OF THE :  
 CITY OF NEW YORK; and MEISHA PORTER, IN :  
 HER OFFICIAL CAPACITY AS CHANCELLOR OF :  
 THE NEW YORK CITY DEPARTMENT OF :  
 EDUCATION, :  
 :  
 :  
 : Defendants. :  
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I, Jonathan Robert Nelson, Esq., declare as follows:

1. I am an attorney duly admitted to practice law in the State of New York, and a partner at the law firm Nelson Madden Black LLP. I am one of the attorneys representing the plaintiffs in this action.
2. I respectfully submit this Declaration in support of Plaintiffs' Motion for a Preliminary Injunction and Application for a Temporary Restraining Order, and fully incorporate all pleadings and the Memorandum of Law herein.
3. Attached as Exhibit 1 is a true and correct copy of the Department of Health and Mental Hygiene ("DOHMH") Commissioner Dr. Dave A. Chokshi signed order applicable to staff in public healthcare settings, requiring Vax-or-Test, dated July 21, 2021, which my office downloaded from the City of New York's website.
4. Attached as Exhibit 2 is a true and correct copy of the Department of Health and Mental Hygiene ("DOHMH") Commissioner Dr. Dave A. Chokshi signed order, dated August 10,

2021, applicable to staff in residential congregate settings, requiring Vax-or-Test. which my office downloaded from the City of New York's website.

5. Attached as Exhibit 3 is a true and correct copy of the Order of the Commissioner of Health and Mental Hygiene to Require COVID-19 Vaccination for Department of Education Employees, Contractors, Visitors, and Others, dated August 24, 2021 ("Original Mandate"), which my office downloaded from the City of New York's website.
6. Attached as Exhibit 4 is a true and correct copy of the Order of the Commissioner of Health and Mental Hygiene to Require COVID-19 Vaccination for Department of Education Employees, Contractors, Visitors, and Others, dated September 15, 2021, which my office downloaded from the City of New York's website.
7. Attached as Exhibit 5 is a true and correct copy of the Order of the Commissioner of Health and Mental Hygiene Revising the Effective Date for Required COVID-19 Vaccination of Department of Education Employees, Contractors, Visitors, and Others, dated September 28, 2021, which my office downloaded from the City of New York's website.
8. Attached as Exhibit 6 is a true and correct copy of the Arbitration Award dated September 10, 2021 issued by Arbitrator Martin F. Scheinman in the Matter of the Arbitration between Board of Education of the City School District of the City of New York and United Federation of Teachers, Local 2, AFT, AFL-CIO ("UFT Award"), which was sent to my office by the Plaintiffs.
9. Attached as Exhibit 7 is a true and correct copy of the Arbitration Award dated September 15, 2021 issued by Arbitrator Martin F. Scheinman in the Matter of the Arbitration between the Board of Education of the City School District of the City of New York and Council of

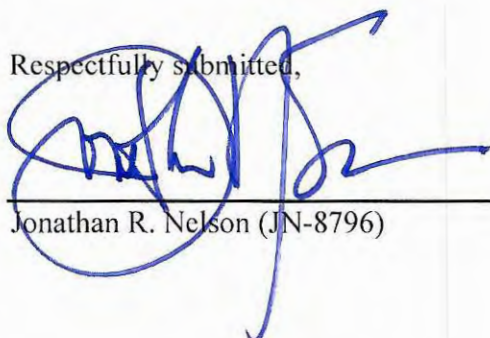
Supervisors and Administrators (“CSA Award”), which was sent to my office by the Plaintiffs.

10. Attached as Exhibit 8 is a true and correct copy of the September 14, 2021 temporary restraining order issued by Hon. Laurence L. Love, Justice of the Supreme Court of the State of New York, County of New York, in the matter of *New York City Municipal Labor Committee, et al., v. The City of New York, et al.*, No. 158368/2021 (N.Y. Co.). “[v]acating as arbitrary, capricious, and contrary to law the August 24, 2021, Order” and “Enjoining Respondents from implementing the Order” (“September 14 TRO”), which my office downloaded from the New York State Courts Electronic Filing website.
11. Attached as Exhibit 9 is a true and correct copy of the September 29, 2021 Order issued by Hon. Laurence L. Love, Justice of the Supreme Court of the State of New York, County of New York, in the matter of *New York City Municipal Labor Committee, et al., v. The City of New York, et al.*, No. 158368/2021 (N.Y. Co.) vacating the September 14 TRO, which my office downloaded from the New York State Courts Electronic Filing website.
12. Attached as Exhibit 10 is a true and correct copy of August 24, 2021, New York City Department of Education FAQ page, which my office downloaded from the City of New York’s website.
13. Attached as Exhibit 11 is a true and correct copy of the New York City Department of Education’s September 22, 2021 denial letter of plaintiff Sasha Delgado’s application for a religious exemption to the Covid-19 vaccination, which was sent to my office by Sasha Delgado.

I hereby certify that I have made the following efforts to give notice to Defendants' counsel of this emergency application in the following manners: (1) at 11:29 p.m. on October 26, 2021, I emailed notice to Laura Minicucci, Assistant Corporation Counsel at New York City Law Department; and (2) my paralegal, Brandon Babwah, reached out by phone to Ms. Minicucci on at 11:55 a.m. on October 27, 2021, following with an email from Mr. Babwah to Ms. Minicucci containing the relevant papers. Additional notice should not be necessary because of the emergency nature of our application and the broad and far-reaching imminent injury to a multitude of New York City Department of Education employees.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on October 27, 2021.

Respectfully submitted,



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Jonathan R. Nelson (JN-8796)